

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Administration of the)
North American Numbering Plan)
Carrier Identification Codes ("CICs"))

CC Docket No. 92-237

COMMENTS
OF
AMERICA'S CARRIERS TELECOMMUNICATION ASSOCIATION
("ACTA")
IN SUPPORT OF
MCI TELECOMMUNICATIONS CORPORATION'S
PETITION FOR EMERGENCY STAY

America's Carriers Telecommunication Association ("ACTA")¹ hereby supports MCI Telecommunications Corporation's ("MCI") Petition for Emergency Stay filed on August 12, 1998 in regard to the Commission's May 1, 1998 *Declaratory Ruling* in the above-captioned proceeding.² ACTA supports MCI's request to the Common Carrier Bureau ("CCB") to order local exchange carriers ("LECs") to halt their end office conversions to four-digit CICs immediately.

ARGUMENT

Several of ACTA's carrier members that rely on casual calling for a significant portion of their revenue are experiencing problems similar to those outlined in MCI's petition. The apparent failure of the LECs to implement the CIC transition in a large percentage of end offices is causing

¹ Founded in 1985, ACTA is a national trade association of over 250 telecommunications service providers and related vendors, many of which are interexchange carriers ("IXCs") that have CICs and rely on the usage of CICs by end users for substantial portions of their revenue.

² *Administration of the North American Numbering Plan Carrier Identification Codes (CICs)*, Declaratory Ruling, CC Docket No. 92-237 (May 1, 1998) ("Declaratory Ruling").

tremendous consumer confusion and competitive harm. In a pleading filed last year in this docket, ACTA warned the Commission that such problems would occur if it allowed the LECs to rush dial-around carriers into a needlessly hasty CIC conversion timetable.³ Unfortunately, ACTA's predictions have come true.⁴ Now that the damage is being done, the Commission has a duty to protect the public interest by ordering a stay of the implementation deadline as requested by MCI.

ACTA supports MCI's Petition for Emergency Stay because it meets the four requirements for the issuance of such a stay as laid out in *Virginia Petroleum Jobbers Ass'n. V. FPC*, 259 F.2d 921, 925 (D.C. Cir. 1958). ACTA contends that MCI's petition satisfies the four-part test required to garner a stay. MCI's allegations are credible and are supported by similar, if not identical, scenarios reported to ACTA by some of its members.

CONCLUSION

For the reasons stated above and in MCI's petition, ACTA maintains that the CCB should grant MCI's petition and: 1) immediately issue a stay of the September 1, 1998 CIC transition deadline until it is proven to the Commission that all end offices are in compliance with the

³ See ACTA's Motion in Support of VarTec Telecom, Inc.'s Emergency Motion for Stay and Petition for Reconsideration, in CC Docket No. 92-237. In that pleading, ACTA predicted that giving in to the LECs' desire to rush into a CIC transition would cause untold consumer confusion and harm dial-around carriers and, therefore, competition.

⁴ Other ACTA members have reported problems identical to or similar to the troubles alleged by MCI in its petition including inappropriate intercept announcements that commence only after the end user endures several dozen rings or simply unanswered ringing. Consumers frequently attribute such snafus to their dial-around IXC rather than the LEC. It doesn't take too many incidents such as those enumerated above to prod a consumer to look elsewhere for dial-around services. A continuation of this flawed system will severely harm, if not nearly extinguish, competition in the dial-around industry.

Commission's *Declaratory Ruling* in this docket and 2) direct all LECs to provide appropriate intercept announcements without excessive ringing.

Respectfully submitted,
AMERICA'S CARRIERS
TELECOMMUNICATION ASSOCIATION

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Dated: August 19, 1998

CERTIFICATE OF SERVICE

I, Robert M. McDowell, do hereby certify that on this 19th day of August, 1998, I have served a copy of the following document via messenger*, and U.S. Mail to the following:

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